IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/537,588
Applicant : PASCHKE
Filed : September 2, 2005
TC/A.U. : Not Yet Assigned
Examiner : Not Yet Assigned

Docket No. : 3382-101
Customer No. : 6449
Confirmation No. : 5476

REPLY TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In reply to the restriction requirement mailed January 21, 2009, applicant elects, with traverse, Group I, claims 1-9, drawn to a protein mixture.

The restriction requirement was based on the assumption that groups I-VI lack a single general inventive concept since the Examiner held that the common technical feature linking these groups of inventions is that they are directed at two fusion proteins and the nucleic acid encoding the fusion proteins and that these features are known from Winter (US Pat. No. 6,291,650). However, this restriction requirement is improper since it is based on a misunderstanding of the common technical features linking the various groups. Winter teaches the use of libraries of fusion proteins displayed on phage which may be composed of two fusion proteins which interact with each other to form, e.g., a functional antigen binding pocket. The subject matter of the present claims, however, relate to the fact

that two fusion proteins are provided with protein translocation sequences that lead to differential sorting and translocation of the respective two fusion proteins through different compartments of the bacterial cell thereby allowing the assembly of a heterologous fusion protein dimer, wherein the respectively expressed protein parts (i.e., parts a)i) and b)i) of claim 1) have different folding requirements. Winter does not teach the use of a translocation domain, let alone to use two different translocation domains for the first and second fusion protein. Therefore, particularly in view of Winter, the subject matter of all claims is connected by a common novel and inventive concept.

Finally, Applicants elect the following species:

a) for the protein or protein fragment of the first fusion protein: a phase code protein as mentioned in claim 4;

b) for the protein or protein fragment of the second fusion protein: a phase code protein as encoded by a cDNA derived from the cDNA library as mentioned in claim 3;

c) for the interaction domain of the first fusion protein: a leucin zipper domain as indicated in claim 6;

d) for the interaction domain of the second fusion protein: a leucin zipper domain as indicated in claim 6;

e) for the protein translocation sequence of the first fusion protein: a Sec-dependent sequence as indicated in claim 7; and

f) that the protein translocation domain of the second fusion protein: a Tat-dependent sequence as indicated in claim 8.